

REMARKS

Claims 4, 6-11, 15-22, 24-26 and 28-33 are pending in the application. Claims 6-8, 10-11, 15-22, 24-26 and 28-31 have been withdrawn by the Examiner and claims 4, 9, 32 and 33 are currently under examination. Herein, the foregoing amendments are respectfully requested. Claims 4 and 33 have been amended to delete the recitation "compounds." Claim 32 has been amended to delete the recitation of "comprising" and "contains." Moreover, certain of the withdrawn claims have been amended to correct typographical errors. No new matter has been added.

Interview

Applicants wish to thank the Examiner regarding the telephonic interview with the undersigned applicants' representative on June 2, 2011. The substance of the interview is properly set forth in the Examiner's Interview Summary mailed June 9, 2011.

Election of Species

The Examiner states on page 4 of the Office Action, that the examined genus is limited to Formula IIb shown in claim 4, with X and Y being O and R⁶-R¹⁰ being non-heterocyclic groups as recited in claim 4. In the Interview referenced above, the Examiner clarified that, in the examined genus, AR¹ is phenyl and AR² is the pyridin-2-yl pyridine shown in Formula IIb.

Applicants respectfully submit that the patent rules require that upon a finding that an elected species is allowable, which has occurred in the instant application, the Examiner is required to search a reasonable number of additional species. Applicants submit that restricting the Examiner's examination to AR² being pyridin-2-yl (to the exclusion of the other pyridines shown in Formulas IIa-IIh of claim 4) is improper because these additional compounds constitute a reasonable number of additional species. Finally, applicants note that the foregoing should not be viewed in any way as

a concession or admission, either expressly or by implication, that Formula IIb is patentably indistinct from such additional species.

Indefiniteness Rejections

The Examiner has rejected claims 4, 32 and 33 as allegedly indefinite because of the use of the plural form for "compounds." Applicants have obviated this rejection by amending claims 4 and 33 to delete the recitation of "compounds." Applicants believe that claim 32 does not contain the recitation "compounds."

The Examiner has rejected claim 32 as allegedly indefinite because of the use of "comprising" and "contains." Applicants have obviated this rejection by amending the claims to delete "comprising" and "contains."

Claim Objection

The Examiner has objected to claim 9 as dependent upon a rejected base claim. Applicants believe claim 32 from which claim 9 depends is now in condition for allowance. The Examiner states that claim 9 would be allowable if, inter alia, it is written in independent form. Applicants respectfully submit that claim 9 is a proper dependent claim under 37 CFR 1.75(c) and therefore it is not necessary to rewrite the claim in independent form.

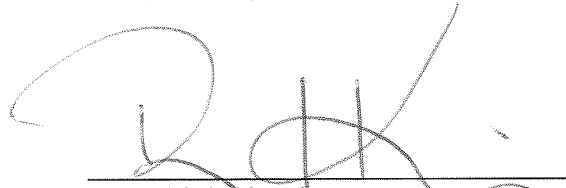
REQUEST

Applicants submit that the claims are in condition for allowance, and respectfully request favorable consideration to that effect. The examiner is invited to contact the undersigned at (202) 434-1698 should there be any questions.

Respectfully submitted,

6/10/11

Date



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